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MAY 10 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Patrick D. Smith  
Application No. 09/470,890  
Filed: December 22, 1999  
Title: METHOD AND APPARATUS FOR AUTOMATED  
CORRELATION OF DIGITAL MODULATION IMPAIRMENT  
Art Unit: 2631  
Examiner: Kevin Michael Burd  
Docket No.: PD05924AM (now BCS03393)

**OFFICIAL**

Via Facsimile 703-872-9306  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**NEW DECLARATION**

Sir:

In response to the final Office Action, dated December 15, 2003, requirement for a new oath, as noted in paragraph 4 of the Action, is acknowledged. Further to the **Petition Under 37 CFR 1.136(a) and RESPONSE TO FINAL OFFICE ACTION**, filed on April 15, 2004, in which the undersigned attorney noted that a new oath would be forwarded as soon as possible (page 10 in the Remarks section). A new duly executed declaration for the above referenced application is filed herewith accordingly. This new declaration is in compliance with 37 CFR 1.67(a) and correctly identifies the citizenship of the inventors.

This now completes the response to the Final Office Action. Applicant respectfully requests that the enclosed declaration replace the declaration originally filed.

09/470,890

If a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact Applicants' undersigned attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By: Karin L. Williams  
Karin L. Williams, Attorney for Applicant  
Reg. No. 36,721

5/10/04  
Date

Mayer Fortkort & Williams PC  
251 North Avenue West, 2<sup>nd</sup> floor  
Westfield, NJ 07090  
Telephone: 908-518-7700  
Fax: 908-518-7795

Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-8306 on 05/10/2004

Debra Rosenbaum

(Name of Person Transmitting Correspondence)

Debra Rosenbaum  
(Signature)